derived or meningioma-derived tumor cells comprising a chlorotoxin ligand and a pharmaceutically acceptable carrier.

REMARKS

The 35 USC §103(a) Rejections

Claims 1 and 4 remain rejected under 35 USC §103(a) as being unpatentable over **DeBin** *et al.* (Am. J. Physiol. 264/2, 33-2 (C361-C369), 1993) in view of **Weiss** *et al.* (U.S. Patent No: 5,750,376, May 12, 1998). This rejection is respectfully traversed.

DeBin *et al.* describes the purification and characterization of a chlorotoxin from the venom of the scorpion. **Weiss** *et al.* teaches a method of producing genetically modified, multipotent neural stem cells, in the course of which **Weiss** labels antibodies for Western blotting, radioimmune assays, an immunochemistry assay. Although neither **DeBin** nor **Weiss** disclose that chlorotoxin binds to glial and meningioma derived tumor cells, the Examiner maintains that "one skilled in the art would have been motivated to make a pharmaceutical composition of chlorotoxin with a carrier, because it is well known for the storage purpose."

Claim 1 has been amended herein to more clearly state that the invention is directed to "a pharmaceutical which binds specifically to glial-derived or meningioma-derived tumor cells..." The Examiner acknowledges that the ability of chlorotoxin to bind glial-derived or meningioma-derived tumor cells was a previously unknown quantity of the protein. Thus, while it may have been obvious to label chlorotoxin for other reasons using the methods of **Weiss** *et al.* (who uses standard labeling protocols known to those skilled in the art), it would not have been obvious to include it in a pharmaceutical composition for detection and treatment glial-derived or meningioma-derived tumor cells. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. *In re Bond, 910 F.2d 831,834 (Fed. Cir. 1990).* No such teaching, suggestion or incentive to use chlorotoxin to target glial-derived or meningioma-derived tumor cells is present in **DeBin** *et al.*, **Weiss** *et al.*, or any combination thereof. Applicants respectfully request that the 35 USC §103(a) rejection of claims 1 and 4 based on **DeBin** et al. in view of **Weiss** et al. be withdrawn.

This is intended to be a complete response to the Final Office Action mailed June 24, 1999. If any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned attorney of record for immediate resolution.

Respectfully submitted,

Date: July 12, 1999

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